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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 3M COMPANY,

4 Plaintiff,

5 v.

20 Civ. 2949 (LAP)
Temporary Restraining
Order Motion

7 PERFORMANCE SUPPLY LLC,

8 Defendant.

9 -----x

New York, N.Y.
May 4, 2020
11:00 a.m.

11 Before:

12 HON. LORETTA A. PRESKA,

District Judge

14 APPEARANCES

15 MAYER BROWN LLP

16 Attorneys for Plaintiff

17 BY: CARMINE R. ZARLENGA

JONATHAN WEBSTER THOMAS

18 A. JOHN P. MANCINI

K54Q3mH

1 (The Court and all parties appearing telephonically)

2 THE COURT: For plaintiffs, who do we have?

3 MR. ZARLENGA: Your Honor, this is Carmine Zarlenga at
4 Mayer Brown representing 3M.

5 THE COURT: Yes, sir. Good morning.

6 MR. MANCINI: Good morning, your Honor. This is John
7 Mancini of Mayer Brown on behalf of 3M as well.

8 THE COURT: Who is joining, please? Good morning.
9 Let's give it one more minute because I show 10:59.

10 MR. THOMAS: Good morning, your Honor. This is
11 Jonathan Thomas on behalf of plaintiffs 3M from Mayer Brown.

12 THE COURT: Who just joined?

13 MR. RASHBAUM: Willie Rashbaum from the New York
14 Times.

15 THE COURT: Good morning. Nice to hear you.

16 MR. RASHBAUM: Nice to talk to you, Judge.

17 MR. ZARLENGA: Carmine Zarlenga at Mayer Brown for 3M.
18 All lawyers are on the line.

19 THE COURT: Excellent. I show 11:00. So, if we
20 haven't gone on the record before, we will now.

21 Mr. Zarlenga, I see from the docket sheet that you
22 have filed your certificates of service of the papers on the
23 defendant. I also do not see on this docket sheet any response
24 from the defendant.

25 Have you people received any communication, papers, or

K54Q3mH

1 anything else from the defendant?

2 MR. ZARLENGA: You are correct in that we have served
3 everything. We've gone to great lengths to do that, and we
4 have not received any communications from the defendant.

5 THE COURT: Is there any lawyer for anyone at all from
6 the defendant on the line who wishes to be heard?

7 (No response).

8 THE COURT: I don't hear that there is anyone here.
9 Accordingly, folks, then the preliminary injunction ordered,
10 and generally it will prohibit the defendant from engaging in
11 any false, misleading, or deceptive conduct in connection with
12 3M or its product. And that will include not representing
13 itself as being an authorized distributor, vendor, agent,
14 representative, retailer, and/or licensee of 3M and/or of any
15 of 3M's products, including, without limitation, 3M brand N95
16 respirators.

17 Mr. Zarlenga, I received just a few minutes ago the
18 proposed findings of fact which you filed. We will take a look
19 at those, and something will be issued in due course. Is there
20 anything else you want to do now, Counsel?

21 MR. ZARLENGA: I don't think so, your Honor. Again,
22 this is Carmine Zarlenga. I would say that I think the way
23 those documents were filed, they're in PDF format. I don't
24 know if the Court is interested in having Word versions, but
25 we're happy to provide them if that's helpful.

K54Q3mH

1 THE COURT: That would be very helpful, Mr. Zarlenga.
2 Thank you.

3 MR. ZARLENGA: Is there some way we should do that to
4 make sure we get it to the right place?

5 THE COURT: Ben?

6 LAW CLERK: So, if you pull up Judge Preska's
7 individual practices, which you can access on Google, at the
8 very top of that document is the email address for the
9 chamber's inbox. You can just send the Word version to that
10 address, please.

11 MR. ZARLENGA: It will be done.

12 THE COURT: Thank you. Anything else, anyone?

13 Thank you, Counsel.

14 (Adjourned)